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**DISTRICT I**

April 8, 2019

To:

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You are hereby notified that the Court has entered the following opinion and order:

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2018AP1313-CRNM      State of Wisconsin v. Anton D. Bratton (L.C. # 2016CF2947)

Before Kessler, P.J., Brash and Dugan, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Anton D. Bratton appeals a judgment convicting him of one count of first-degree recklessly endangering safety with use of dangerous weapon, as a repeater and as an act of domestic abuse. Attorney Kaitlin Lamb was appointed to represent Bratton after his conviction. She filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967) and Wis.

STAT. RULE 809.32 (2017-18).<sup>1</sup> Bratton received a copy of the report and was advised of his right to file a response, but he has not responded. After considering the report and conducting an independent review of the record, we conclude that there are no issues of arguable merit that could be raised on appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether there would be a basis for Bratton to withdraw his guilty plea. A defendant may withdraw his or her guilty plea if it was not knowingly, intelligently, and voluntarily entered. *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). The circuit court conducted a thorough colloquy with Bratton that complied with WIS. STAT. § 971.08 and the dictates of *Bangert*, 131 Wis. 2d at 266-72. In addition, Bratton reviewed and discussed a plea questionnaire and waiver of rights form with his counsel prior to the plea hearing, which addressed the criteria enumerated in § 971.08 designed to ensure that a defendant is knowingly, intelligently and voluntarily waiving his or her right to trial by entering a plea. *See State v. Hoppe*, 2009 WI 41, ¶32, 317 Wis. 2d 161, 765 N.W.2d 794 (the court may rely in part on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). The record reflects no basis for an arguably meritorious challenge to the validity of the plea.

The no-merit report next addresses whether there would be arguable merit to an appellate challenge to the sentence. The circuit court sentenced Bratton to twelve years of imprisonment, with seven years of initial confinement and five years of extended supervision. The record establishes that the circuit court carefully considered the general objectives of sentencing and

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

applied the pertinent sentencing factors in light of the facts of this case. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (the court must identify the factors it considered and explain how those factors fit the objectives and influenced its sentencing decision). We agree with appellate counsel's conclusion that the record here reflects an appropriate exercise of discretion. There would be no arguable merit to a challenge to the sentence.

Our review of the record discloses no other potential issues for appeal. Accordingly, we affirm the judgment of conviction and Attorney Lamb of the obligation to represent Bratton further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kaitlin A. Lamb is relieved from further representing Anton D. Bratton in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*